WASHINGTON -- The recording industry, already reeling from online music theft, is pushing the federal government to head off what executives fear is a potentially bigger piracy threat in the emerging world of digital radio.

In documents and meetings at the FCC and in communications with other industry trade groups, the RIAA is attempting to convince the government of the need for copyright protection for sound recordings aired on digital radio.

While the RIAA's campaign has been largely behind the scenes, the association will take a higher profile on the issue this week as its CEO and chairman, Mitch Bainwol, hopes to make it a focus of a hearing scheduled on copyright issues facing webcasters. The RIAA also plans to file formal comments with the commission on the need for digital radio copy protections when final comments on a range of issues surrounding the technology are due June 16.

"We're in favor of HD radio," Bainwol said in an interview. "It offers great benefits for consumers and everyone involved, but we're not blind to several concerns. Someone could cherry-pick songs off a broadcast and fill up a personal library and then post it on Kazaa." Digital technology brings to radio signals quality similar to digital television. An FM digital radio broadcast brings listeners CD-quality sound, while digital AM radio sounds like FM. The digital radio stream also gives broadcasters the ability to multicast their signals or use them for data delivery and other services.

In 2002, the FCC agreed to interim rules for the service when it selected the in-band, on-channel digital radio transmission technology produced by iBiquity Digital, a Baltimore-based company that licenses the technology. There are more than 100 broadcast stations nationwide using the technology, and several high-end audio manufacturers are making digital receivers. iBiquity chief operating officer Jeff Jury said the company is willing to build in copy protection but wants the rights holders, broadcasters and consumer electronics makers to agree to the regime.

"If there's a consensus among the groups, we're willing to go along," he said. "But given the state of the technology, it's premature to worry about this."

The current proceeding will set the rules of service for broadcasters, telling them exactly what service can be offered and outlining their obligations. The RIAA hopes to convince policy-makers that copy-control technology is an imperative.

"We're concerned for ourselves and the artists," Bainwol said. "If you don't have protection, it undermines..."
Bainwol and the association contend that the digital radios of the future could allow people to copy a song off the air that is as pristine as a CD and redistribute that song on the Internet or download it to removable media. They see a future where people could set the devices so that they automatically copy discrete songs, including new releases before they are available in stores.

"The kind of listening that you do on radio today is passive," Bainwol said. "This turns it into an active experience. Not only will you be able to listen to it, but you can copy it and keep it forever."

While RIAA executives contend that digital radio poses problems that could dwarf the P2P piracy, broadcasters and the consumer electronics industry say they are jumping at shadows. The technology as it is constituted now doesn't allow people to record separate songs.

"Our position on this is that there has been no demonstration that there's a problem," Consumer Electronics Assn. technology vp Michael Petricone said. "It's not clear what the RIAA is talking about. Do they want a broadcast flag (similar to the copy-control technology in digital TV) or some limit on recording material? We regard a consumer's ability to record off the radio as a pretty fundamental right."

Petricone points to the experience in Great Britain, where digital radio has been in operation for some time with no evidence to support the RIAA's piracy claims.

"They've sold a half-million digital radios in Great Britain over the past five years, and this problem hasn't come up," he said. "It's premature to ask the FCC for restrictions on devices for a problem that might not exist."

But Bainwol and other recording industry executives disagreed. They point to devices like "The Bug," available in Europe and elsewhere, that they claim already allow passive recording. While the first digital radios are dumb boxes, the next generation will not be, they argue.

The RIAA contends that they aren't trying to prevent people from doing what they do now but want to head off another piracy scourge before digital radio turns into the P2P-like quagmire. The only behavior the record industry wants to prevent is the redistribution of recordings onto the Internet, removable media or to other devices and limit automated copying such as by artist or song title so that individual recordings cannot be separated from other songs.

"The things people can do now on the radio are not the issue," Bainwol said. "We don't even have a problem with time shifting, the real issue is on allowing cherry-picking of individual artists or blocks of songs and passive recording. It's really narrow."

Broadcasters complain that the RIAA is a Johnny-come-lately whose request will simply gum up the works.

"Our question is, why now? This thing has been going on for a decade, and now that there are stations on the air and it's authorized, they decide to weigh in. The timing just seems curious," NAB spokesman Dennis Wharton said. "We've been moving aggressively (in) getting digital radio rolled out, and to delay that just so the record companies can add more revenue, that causes some concerns."

RIAA executives dismissed that argument. The recording industry had no reason to get involved in what standard was the correct one, Bainwol said, adding that now's the time to get involved because the commission is seeking information on the copyright issue.

"We got criticized for coming in too late on Internet delivery, and we're being criticized for coming in too early on digital radio," he said. "Let's address the problem now while the devices are in development or in the early stages."